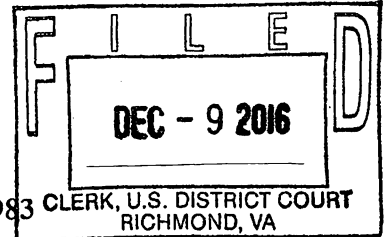


IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF VIRGINIA



COMPLAINT UNDER CIVIL RIGHTS ACT 42 U.S.C. § 1983

Action Number 3:16cv 966  
(To be supplied by the Clerk, U.S. District Court)

Please fill out this complaint form completely. The Court needs the information requested in order to assure that your complaint is processed as quickly as possible and that all your claims are addressed. Please print/write legibly or type.

I. PARTIES

A. Plaintiff:

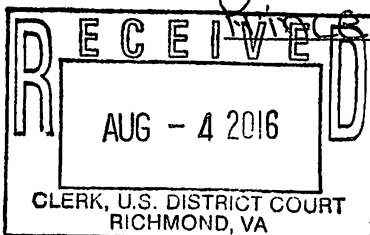
1. (a) Frank Edward Howe<sup>3TH</sup> (b) 14-04487  
(Name) (Inmate number)  
(c) 9320 Lee Ave.  
(Address)  
Manassas, VA 20108

Plaintiff MUST keep the Clerk of Court notified of any change of address due to transfer or release. If plaintiff fails to keep the Clerk informed of such changes, this action may be dismissed.

Plaintiff is advised that only persons acting under the color of state law are proper defendants under Section 1983. The Commonwealth of Virginia is immune under the Eleventh Amendment. Private parties such as attorneys and other inmates may not be sued under Section 1983. In addition, liability under Section 1983 requires personal action by the defendant that caused you harm. Normally, the Director of the Department of Corrections, wardens, and sheriffs are not liable under Section 1983 when a claim against them rests solely on the fact that they supervise persons who may have violated your rights. In addition, prisons, jails, and departments within an institution are not persons under Section 1983.

B. Defendant(s):

1. (a) Office Manning (b) Police officer/PWCPD  
(Name) (Title/Job Description)  
(c) PWCPD 1 county complex ct.  
(Address)



Prince William, VA 22192-9201

2. (a) Office Medina, M.T. (b) Police Officer / PWCPD  
(Name) (Title/Job Description)  
(c) PWCPD, 1 county complex ct.  
(Address)  
Prince William VA, 22192-9201
3. (a) POLICE DEPARTMENT (b) PWCPD  
(Name) (Title/Job Description)  
(c) 1 county complex ct.  
(Address)  
Prince William CO, 22192-9201

If there are additional defendants, please list them on a separate sheet of paper. Provide all identifying information for each defendant named.

**Plaintiff MUST provide a physical address for defendant(s) in order for the Court to serve the complaint. If plaintiff does not provide a physical address for a defendant, that person may be dismissed as a party to this action.**

## II. PREVIOUS LAWSUITS

- A. Have you ever begun other lawsuits in any state or federal court relating to your imprisonment? Yes [ ] No [☒]
- B. If your answer to "A" is Yes: You must describe any lawsuit, whether currently pending or closed, in the space below. If there is more than one lawsuit, you must describe each lawsuit on another sheet of paper, using the same outline, and attach hereto.

1. Parties to previous lawsuit:

Plaintiff(s) \_\_\_\_\_

Defendant(s) \_\_\_\_\_

2. Court (if federal court, name the district; if state court, name the county):  
\_\_\_\_\_

3. Date lawsuit filed: \_\_\_\_\_

4. Docket number: \_\_\_\_\_

5. Name of Judge to whom case was assigned: Don't No at this time.

6. Disposition (Was case dismissed? Appealed? Is it still pending? What relief was granted, if any?): ~~Yes~~

### III. GRIEVANCE PROCEDURE

A. At what institution did the events concerning your current complaint take place:

B. Does the institution listed in "A" have a grievance procedure? Yes [ ] No [☒]

C. If your answer to "B" is Yes:

1. Did you file a grievance based on this complaint? Yes [ ] No [☒]

2. If so, where and when: \_\_\_\_\_

3. What was the result? \_\_\_\_\_

4. Did you appeal? Yes [ ] No [☒]

5. Result of appeal: \_\_\_\_\_

D. If there was no prison grievance procedure in the institution, did you complain to the prison authorities? Yes [ ] No [☒]

If your answer is Yes, what steps did you take? \_\_\_\_\_

E. If your answer is No, explain why you did not submit your complaint to the prison authorities:

Its Not For Them as the complaint...

#### IV. STATEMENT OF THE CLAIM

State here the facts of your case. Describe how each defendant is involved and how you were harmed by their action. Also include the dates, places of events, and constitutional amendments you allege were violated.

If you intend to allege several related claims, number and set forth each claim in a separate paragraph. Attach additional sheets if necessary.

ON - The Night of 5-10-2016, I was arrested by officer, Medina after falling asleep in the house of Marsha Doyle. Handcuffed after waking me up from the chair I had fallen asleep in. Three officer's then took me out of the house and put me in the cop car. At this point I was angry and started kicking the back of the door and the window, No damage resulted from this. Officer Manning of PWC PD, got very upset and opened the door. He took off my seatbelt, and while I was still handcuffed from behind my back, he grabbed me by my sweater and back of my pants, then threw me out of the cop car onto my head. My head hitting the ground first, resulted in a very hard impact my neck buckled forward, I was thinking that I was going to die, everything went black for about five mins or longer. I asked officer Manning why he did that to me, he wouldn't talk back to me and tell me why. I asked again and still he wouldn't say a thing back to me. I then asked him and the other officers there to call the E.M.S. when they arrived at the scene my head was bleeding, three of the E.M.S. came to help me as I was sitting on the ground, officer Manning standing over me, turns around to look at the three E.M.S. I don't know what he said. But they left and I asked why, but he didn't say a thing. Put me back in the cop car and took me to the A.D.C. Jail. When I got inside, the officers of the jail ask me what happen to my head, I told them that officer Manning threw me on my head. The lady officer then took a lot of pictures of my head. And I was told at the jail that I am being charged with assault-battery on officer Manning, I said why and he says I kicked him. There were three cop there why he have to throw me on my head like that I was handcuffed from behind I feel that he could of killed me....

## V. RELIEF

I understand that in a Section 1983 action the Court cannot change my sentence, release me from custody or restore good time. I understand I should file a petition for a writ of habeas corpus if I desire this type of relief. FEH (please initial)

The plaintiff wants the Court to: (check those remedies you seek)

- ☒ Award money damages in the amount of \$ 30,000
- ☐ Grant injunctive relief by \_\_\_\_\_
- ☐ Other \_\_\_\_\_

## VI. PLACES OF INCARCERATION

Please list the institutions at which you were incarcerated during the last six months. If you were transferred during this period, list the date(s) of transfer. Provide an address for each institution.

A.D.C. 9320 Lee Avenue Manassas, VA 20108

## VII. CONSENT

CONSENT TO TRIAL BY A MAGISTRATE JUDGE: The parties are advised of their right, pursuant to 28 U.S.C. § 636(c), to have a U.S. Magistrate Judge preside over a trial, with appeal to the U.S. Court of Appeals for the Fourth Circuit.

Do you consent to proceed before a U.S. Magistrate Judge: Yes ☒ No ☐. You may consent at any time; however, an early consent is encouraged.

## VIII. SIGNATURE

If there is more than one plaintiff, each plaintiff must sign for himself or herself.

Signed this 7<sup>th</sup> day of Aug, 20 16.

Plaintiff Frank Edward Howe 3TH